09892350 - GAU: 2452

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Application Number		09892350	
Filing Date	2001-06-26		
First Named Inventor	Ewing	]	
Art Unit		2152	
Examiner Name	Chan	kong, Dohm	
Attorney Docket Number		MLF-600-13	

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	4	5736847		1998-04-07	Van Doorn, et al.	
	5	5923103		1999-07-13	Pulīzzi, et al.	
	6	5995911		1999-11-30	Hart	
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2 AMERICAN POWER CONVERSION CORPORATION, "MasterSwitch VM Power Distribution Unit User Guide," December 1999, American Power Conversion Corporation, W. Kingston, RI, USA								
3 AMERICAN POWER CONVERSION CORPORATION, "MasterSwitch VM Power Distribution Unit Installation and Quick Start Manual," December 1999, American Power Conversion Corporation, W. Kingston, RI, USA								
4 AMERICAN POWER CONVERSION CORPORATION, "PowerNet SNMP Management Information Base v3.1.0 Reference Guide," November 1999, American Power Conversion Corporation, W. Kingston, RI, USA								

## Receipt date: 10/21/2008 09892350 - GAH: 2452 INFORMATION DISCLOSURE STATEMENT BY APPLICANT

( Not for submission under 37 CFR 1.99)

Application Number		09892350	000011000	G/ (O. L. ) CL
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Art Unit		2152		
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Attorney Docket Numb	er	MLF-600-13		

5	"Server Technology, Inc.'s Fifth Amended Disclosure of Asserted Claims and Preliminary Infringement Contentions With Exhibits," Server Technology, Inc. v. American Power Conversion Corporation, Case No.: 3:06-CV-00698-LRH-VPC, 30 pp. (9/29/2007)	
6	"American Power Conversion Corporation's Preliminary Invalidity Contentions," Server Technology, Inc. v. American Power Conversion Corporation, Case No.: 3.06-CV-00698-LRH-VPC, 89 pp. (10/12/2007)	
7	"American Power Conversion Corporation's Preliminary Claim Constructions and Extrinsic Evidence (Patent Local Rule 4-2)," Server Technology, Inc. v. American Power Conversion Corporation, Case No.: 3:06-CV-00698-LRH-VPC, 8 pp. (1/21/2008)	
8	"Plaintiff and Counterdefendant Server Technology, Inc.'s Preliminary Claim Constructions and Extrinsic Evidence (Patent Local Rule 4-2), Server Technology, Inc. v. American Power Conversion Corporation, Case No.: 3.06-CV-00698-LRH-VPC, 7 pp. (1/29/2008)	
9	"Complaint for Patent Infringement," Server Technology, Inc. v. American Power Conversion Corporation, Case No.: 3:06-CV, 61 pp. (12/18/2006)	
10	"First Amended Complaint for Patent Infringement," Server Technology, Inc. v. American Power Conversion Corporation, Case No.: 3:06-CV-00698-LRH-VPC, 83 pp. (2/20/2007)	
11	"Defendant's Answer and Affirmative Defenses to Plaintiff's Complaint for Patent Infringement; Counterclaims for Declaratory Judgment of Patent Noninfringement and Patent Invalidity; and Patent Infringement, Demand for Jury Trial, "Server Technology, Inc. v. American Power Conversion Corporation, Case No.: 3:06-CV-00698-LRH-VPC, 37 pp. (4/2/2007)	
12	"Plaintiff Server Technology Inc.'s Reply to Defendant's First Amended Counterclaims for Declaratory Judgment of Patent Noninfringement and Patent Invalidity; and Patent Infringement; Jury Demand," Server Technology, Inc. v. American Power Conversion Corporation, Case No.: 3.06-CV-00698-LRH-VPC, 8 pp. (4/30/2007)	
13	"Joint Claim Construction Chart and Prehearing Statement (Patent: Rule 4.3)," Server Technology, Inc. v. American Power Conversion Corporation, Case No.: 3:06-CV-00698-LRH-VPC, 77 pp. (2/22/2008)	
14	"Plaintiff and Counterdefendant Server Technology, Inc.'s Opening Claim Construction Brief," Server Technology, Inc. v. American Power Conversion Corporation, Case No.: 3:06-CV-00698-LRH-VPC, 206 pp. (5/19/2008)	
15	"American Power Conversion Corp.'s Response to Plaintiff and Counterdefendant Server Technology, Inc.'s Opening Claim Construction Brief," Server Technology, Inc. v. American Power Conversion Corporation, Case No.: 3:06-	

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Receipt date: 10/21/2008	Application Number		09892350	09892350 - GAU: 24	GAU: 245
	Filing Date		2001-06-26		
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STATEMENT BY APPLICANT  Not for submission under 37 CFR 1.99)	Art Unit		2152		
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	Attorney Docket Numb	er	MLF-600-13		

	16	Cons	"Plaintiff and Counterdefendant Server Technology, Inc.'s Reply to APC's Response to STI's Opening Claim Construction Brief," Server Technology, Inc. v. American Power Conversion Corporation, Case No.: 3:06-CV-00698-LRH-					
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Receipt date: 10/21/2008	Application Number		09892350	09892350 - GAU: 2452
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That no item of information contained in the information disclosure statement was cited in a communication from a
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d Nam

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A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Kenneth C. Winterton/	Date (YYYY-MM-DD)	2008-10-21
Name/Print	Kenneth C. Winterton	Registration Number	48,040

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